

**ALPINE CITY COUNCIL MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**June 24, 2014**

**I. CALL MEETING TO ORDER:** The meeting was called to order at 6:40 pm by Mayor Don Watkins.

**A. Roll Call:** The following Council members were present and constituted a quorum:  
 Council Members: Troy Stout, Lon Lott, Will Jones, Roger Bennett  
 Council Members not present: Kimberly Bryant was excused  
 Staff: Rich Nelson, Charmayne Warnock, David Church, Shane Sorensen, Jason Bond, Brad Freeman  
 Others: Tom Watkins, Steve Swanson, Trisha Walker, Kathy Harding, Kent Fitzgerald, Judy Fitzgerald, Darryl Stallings, John MacDonald, Jim Dunn, Crystal Wells, Mark Wells, Glenn Simmons, Lauren Hall, Taylor Hall, Ellen Hall, Jeff Hall, Clay Linford, Penny Linford, Shirley Davis, Craig Skidmore, Karl Naegle

**B. Prayer:** Will Jones  
**C. Pledge:** Quinn Andrus

**II. PUBLIC COMMENT:** Kathy Harding said she lived across the creek from Creekside Park. She was concerned that the fireworks in the park would start fires along the creek. In her yard they had several large pine trees. The field across the creek was cheat grass which ignited quickly. She spent the last 4<sup>th</sup> of July spraying down their pine trees and the foliage along the creek. Since their yard was deemed in the danger zone, the fire department parked a fire truck in their backyard which left huge ruts. She was also concerned about the concentration of smoke in the park which was hazardous to people with respiratory problems.

Mayor Watkins thanked her for her comments and said the Council would take note of them. The Fire Chief would be present later in the meeting since fireworks was on the agenda.

**III. CONSENT CALENDAR**

**A. Approve minutes of June 10, 2014**  
**B. Bond Release - Bennett Farms, Plats D & E - \$432,505.66**

**MOTION:** Will Jones moved to approve the Consent Calendar with the minutes as amended. Lon Lott seconded.  
 Ayes: 3 Nays: 0. Will Jones, Troy Stout, Lon Lott voted aye. Motion passed.  
 Roger Bennett abstained stating he was the developer of Bennett Farms.

**IV. REPORTS AND PRESENTATIONS:** None

**V. ACTION/DISCUSSION ITEMS**

**PUBLIC HEARING ON BUDGET OPENING**

Rich Nelson reviewed the changes in the budget which were:

**Revenue**

USDA EWP Grant - \$1,499,738.00 This was money brought in during the fiscal year as a Federal Grant reimbursement for the Quail Fire/EWP Project. A portion of the expenses were from last year with reimbursements this year.

**Expenses**

Administration: \$16,900 for attorney and consultant fees associated with the Patterson lawsuit.  
 Elections: \$1,000 for the additional cost of a primary election in 2013 that was not budgeted.  
 Emergency Services: \$38,789 for additional fire costs.  
 Building Department: \$46,600 due to additional building permits and inspections.  
 Street Department: \$10,000 for overtime due to flooding and holiday lighting.  
 Parks & Recreation: \$1,145,420 for the Quail fire rehabilitation grant.

Miscellaneous: \$393,829 for the transfer of funds for the EWP project which were spent last year and reimbursed this year for bring the fund balance within the 18% legal limit.

Mayor Watkins invited comments from the public. There were no comments.

**A. Ordinance No. 2014-10 - Amending the Alpine City Budget for Fiscal Year 2013-2014.** There was no further discussion on this item.

**MOTION:** Will Jones moved to approve Ordinance No. 2014-10 amending the budget for fiscal year 2013-2014. Roger Bennett seconded. Ayes: 4 Nays: 0. Will Jones, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

Rich Nelson said Annalisa Beck was not present but this was her last week as an employee. He appreciated her and all her work as the finance officer and treasurer. She'd been with the City for about ten years.

**B. Lambert Park:** Mayor Watkins said the Planning Commission had recommended that the City Council review the following issues in Lambert Park. 1) Increase signage, 2) No bans on motorized vehicles in the park; 3) Approve a temporary or permanent gate at Moyle Drive to decrease the amount of traffic on the road; 4) Increase police presence and enforcement.

He invited the public to comment and asked them to limit their comments to two minutes.

Trisha Walker said she had met with the Youth Council and saw the work and research they'd put in on those issues in Lambert Park. They had some great ideas. They did not think motorized vehicles should be banned, but the trails should be marked. People who violated the rules should be fined.

Troy Stout said he would like to see the presentation the Youth Council made to the Planning Commission. Mayor Watkins said they would make it an agenda item. There were no other comments from the public and the Mayor invited staff to comment on what they had observed happening in the park.

Shane Sorensen said the public works crew were in the park multiple times a day. Some of the problems they had seen were kids building fires and using drugs. In one case they had snipped a fence and built a fire on the water tank. He said there were a lot of people riding ATVs and motorcycles on trails where they were not allowed, and the reckless speeds were endangering people on foot or on bicycles.

Troy Stout said he had taken a group of Youth Council members up to Lambert Park the previous year. He said it was a great multiple use park but they needed to do a better job of patrolling and make sure the rules of the park were enforced. He said he would like to create an gateway entry in the park at three or four locations to define where the park begins and private property ends. There would be an entry on the south, on Moyle Drive and various places on the north boundary. On either side of the entry they could place split rail fences extending a hundred feet in each direction.

Lon Lott asked if they would put up a sign every so often along the boundary of the park where there was no fence. He said it would be difficult to enforce speed limits and trail use unless they had an officer on a bike. He suggested that it might be easier to enforce if they designated a certain area of the park as the place where people could use motorized vehicles rather than designating trails. That way if someone was outside that area, they would know they were in violation of park rules.

Troy Stout said that above a certain elevation, there was no need for vehicles. Many people wanted to drive to see the poppies but other than that they didn't need vehicles in the park.

Will Jones asked if there was a temporary turnaround on the emergency access road. He'd seen construction vehicles driving up that way. They needed a plan to let people know the road was for emergency access only, and provide a place for them to turn around when they saw they were not to be on the road. He said people may not know what trails were okay for vehicles. He'd followed a trail that was not marked for ATV use, but it had ATV tracks on it. He'd seen kids jumping their motorcycles of the water tank. He suggested they put up signs and see if they got

compliance. If they didn't, they would have to be more restrictive. It wasn't safe to have a motorcyclist on a trail that was also used by pedestrians.

Rich Nelson said they needed to pick their battles. He liked Troy Stout's idea of delineating the park and Will Jones' idea of putting up signs. He suggested they put signs on Moyle Drive and ask the police to patrol it. When that was under control, they could focus on another area.

Roger Bennett said that when they first talked about not allowing motorized vehicles in Lambert Park, he was opposed to it. Now he felt the other way. If the City wanted to allow vehicles in the park and control them, they should put in signs, post the speed limit, and impose hefty fines. But he would like to see the park closed to vehicles except during the poppy season. The restriction would not apply to the City's maintenance vehicles.

Mayor Watkins said that one of the challenges was that there would soon be 59 new lots adjacent to Lambert Park. He expected the park would be overrun with ATVs.

**MOTION:** Will Jones moved to immediately put signage at both ends of the emergency access road and state that illegal use would be subject to a fine. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Lon Lott, Troy Stout, Roger Bennett voted aye. Motion passed.

Troy Stout said he would like an officer to patrol the area for a time and enforce it. Rich Nelson said he could add that to the list of areas the police patrolled.

**C. Eagle Pointe PRD Concept Plan:** Developers Taylor Smith and Mark Wells submitted a concept plan for a PRD located at approximately 800 West North consisting of 15 lots on 31.88 acres in the CR-40,000 zone. The Planning Commission reviewed the concept plan at their meeting of June 17, 2014. The motion to grant concept approval failed with a split vote of three ayes and three nays.

Mayor Watkins said the members of the audience could comment on the proposed subdivision even though it was not officially a public hearing. He asked that they limit their comments to two minutes and if their issue had already been addressed, just ditto it. When the audience was through, the developer would respond, then the Council would discuss it.

Steve Swanson said he lived in front of the proposed development and he was also on the Planning Commission. He said he didn't mind development but he was concerned when it destroyed the land and the scenic view and the quality of life. The developer was asking for a PRD to get higher density but the City was getting nothing in return except unusable open space. He asked that it not be a PRD. A PRD had to have a good reason to exist. He also read the section in the code regarding retaining walls which said they had to be recommended by the City Engineer and the Planning Commission and approved by the City Council. The Planning Commission had not recommended approval of retaining walls. He said one of the problems with another PRD was that the City didn't take care of the open space they already had. The citizens did not want a PRD.

Tom Watkins said he lived on Summit Way at the bottom of the hill. He said one situation that had not been addressed was the water pressure problem in that area. It was not just the pressurized irrigation that had problems but culinary. In his house they could only take one shower at a time. What was the City going to do if they had to pump water up to ten or fifteen more homes?

Ellen Hall said she lived right by the proposed development. She said the PRD Ordinance stated that the dwelling clusters could not be in a sensitive lands area and these were. She asked if there had been the required studies done on fires, floods, etc. The area was also in the urban wildland interface area. There was to be no development above 5350 feet and this was. She said the ordinance talked about viewscape protection so the houses couldn't be built on a ridge. The houses were shown in the hollows but the ordinance said they could not be placed in sensitive areas prone to flood, etc. She asked that the Council apply the ordinance consistently.

Mayor Watkins asked David Church if Eagle Pointe had been approved as a PRD. It was his understanding that they could not be held to a past approval. David Church said that it looked to him like a new application and a new plan.

Troy Stout asked about building above an elevation of 5350. Shane Sorensen said that was the limit at which the City could provide 40 psi of water. David Church noted that the City had hillside protection ordinances in addition to the water pressure requirement.

Darryl Stallings said he lived on Lakeview and there was definitely a problem with water pressure. It was so bad he had to water by hand and couldn't leave to go on vacation. He said he had relocated from California and picked that spot because it was on a cul-de-sac. He said he couldn't imagine what it would be like if they built in the gully. He said he was against it being a PRD.

There were no more comments and the Mayor invited the developer to respond.

Mark Wells said this was the fourth concept plan they had submitted as part of the application they made last summer. He said the first concept plan was denied because they had an overly long cul-de-sac. They met with the fire chief and he recommended a plan with a fire access road which was also denied by the Planning Commission on October 22, 2013. The Planning Commission said it was still a cul-de-sac even though it was not a dead-end road. The developers came back with a third concept plan which showed a stub road stubbing into the west boundary line into Draper City. That was denied by the City Council in November 2013 on the basis that stub streets needed to terminate in the City. In spring of 2014 they met with the engineer and developed a looped road system which was very intrusive to the hillside. As the developers, they didn't feel it was the best plan but it met the City Ordinance.

Mr. Wells said they couldn't reach a compromise on the previous three plans and felt this fourth plan was the only way to move forward. He said the City Council had the opportunity to break the tie vote from the Planning Commission. He said the public comments were good and there were issues that needed to be worked out. There were reports and studies that would need to be done. He said the state law required a city to approve an application if it met all the ordinances and this one did. It needed no exceptions. He said they had a right as a landowner to develop their land according to the ordinances of the city.

Mr. Wells' attorney, Jim Dunn, stated that they had received approval for a PRD on July 23, 2013. They had brought in concept plans since that time which had been rejected. He said they felt the Council had already decided the development should be a PRD. The developers had made a good faith effort over the last ten months to comply with the ordinance. They had not been required to pay a new fee or resubmit an application with any of the plans.

David Church said there was a time when the City was encouraging PRDs but they were no longer doing that. He said the first issue the Council needed to consider was whether or not this should be a PRD. He said a plan similar to the one they were presenting that evening had been submitted years ago. The residents appeared and spoke against it. The Council said they would grant exceptions that would make the neighbors happier. Then the economy went bad and no more work was done on the subdivision. He said the law was clear that if a plan complied, it should be approved. The developers were not asking if they could develop, but how they could develop.

Troy Stout said he wanted to talk about retaining walls. He felt it was a bad idea for the City to inherit a road built on retaining walls. They only had to look at Draper City to see how that turned out.

Mayor Watkins said he had heard that they planned would have road with a 54-ft right-of-way and 50-foot retaining walls. He asked if there was something that would allow a rural road that would be 26 feet wide with lower walls.

Mark Wells said he was not opposed to that idea at all, but he would like to reach some kind of decision. He felt like he was in some kind of ping pong games between the Council and the Planning Commission.

Shane Sorensen said there was a provision in the ordinance that retaining walls in a non PRD development also required the same approvals as in a PRD.

Lon Lott asked about the Council approval of PRD status the previous year. Will Jones said that it was a different Council in 2013. Also, final approvals expired in 6 months. That was why they felt the PRD approval was no longer valid.

Ellen Hall asked about the studies that were required for a PRD. David Church said that in the past the studies were done after concept approval was granted and before preliminary plans were submitted.

Mark Wells said the studies were quite expensive and they didn't want to do them without a concept approval.

Jim Dunn said that when the Council granted approval for a PRD on July 23, 2013, the developers believed they had approval for a PRD and they was why everything they had submitted since that time was a PRD.

Mayor Watkins asked the Council to consider if they wanted the open space with the potential for fire in that area.

**MOTION:** Troy Stout moved to table Eagle Pointe subdivision for 30 days for more study. Will Jones seconded. Ayes: 1 Nays: 3 Troy Stout voted aye. Will Jones, Lon Lott, Roger Bennett voted nay. Motion failed.

Lon Lott said he was concerned about the open space. Could the lots be larger so the City did not have to take it over?

Roger Bennett said he walked the ground earlier that day and he would not want to see big lots with people watering all that area. He said that unless they restricted the area that could be irrigated, there would be someone who would irrigate all that ground.

Lon Lott said they wouldn't be able to water it because they wouldn't be able to get the water up there.

Will Jones said he had walked the area and felt there would be significant fire protection issues. The City asked people to take care of the weeds on their lots. If the City acquired it as open space, would be the City be mowing it? He said they may not want a PRD when they saw all the things they needed to do.

Mark Wells said that if the City decided to strip him of a PRD entitlement, it would do him financial harm. He had spent tens of thousands of dollars on concept plans because he was given approval for a PRD. He had been planning on it. Requiring him to start at square one was wrong.

John MacDonald asked if there was an ordinance that specified when approval for PRD expired. No reference was located that evening.

Lon Lott said there were significant concerns expressed by the citizens. They were not against building homes but they had concerns.

**MOTION:** Will Jones moved to table Eagle Pointe for two weeks and prior to the regular meeting hold a one-hour work session on the project. Troy Stout seconded. Ayes: 4 Nays: 0. Will Jones, Lon Lott, Roger Bennett, Troy Stout voted aye. Motion passed.

Rich Nelson said it would help the staff if they would email their questions so they could be prepared.

Troy Stout was excused from the meeting at 8:25 pm.

**D. Ordinance No. 2014-11, Lot Area and Width Requirement Amendments:** The Planning Commission had held a public hearing at the meeting of June 17, 2014 and recommended approval of the proposed amendments which would allow subdivisions to be more effectively and efficiently designed.

**MOTION:** Will Jones moved to approve Ordinance No. 2014-11 amending Sections 3.1.11, 3.3.4, and 3.4.4 of the Alpine City Development Code regarding the definition of average slope of a lot as well as density, lot area and width requirements. Roger Bennett seconded. Ayes: 3 Nays: 0. Will Jones, Roger Bennett, Lon Lott voted aye. Motion passed. Troy Stout was not present at the time of the motion.

**E. Ordinance No. 2014-12, Design Standards Amendment:** This item was tabled.

**MOTION:** Roger Bennett moved to table item E for two weeks. Will Jones seconded. Ayes: 3 Nays: 0. Motion passed.

**F. Fireworks and Open Fire in Alpine City for Calendar Year 2014:** David Church said the state law said the Council must make the decision on fireworks but they could take the recommendation of the Fire Chief.

The Council reviewed the recommendation from Fire Chief Brad Freeman. In addition to his recommendation, they Council felt Fort Canyon should be added to the areas where campfires were prohibited. The Council also recommended that the boundary where fireworks were allowed be more limited on the north side of Alpine. People who lived in areas where fireworks were prohibited could light their fireworks in Creekside Park.

In regard to concerns raised by Kathy Harding under Public Comment, Shane Sorensen said there would probably be fewer fireworks in the park this year because the area where fireworks would be allowed was larger than the previous year. They would also move the boundary for fireworks in the Creekside Park farther east so they weren't so close to the creek.

**MOTION:** Will Jones moved to approve the recommendation from the Fire Chief on fireworks and open fires dated June 25, 2014 with the recommendation that the boundary for fireworks go down Grove Drive and along Pioneer Road (600 North) to Main Street, and add Fort Canyon to the areas where campfires were prohibited. Roger Bennett seconded. Ayes: 3 Nays: 0. Roger Bennett, Lon Lott, Will Jones voted aye. Motion passed. Troy Stout was not present at the time of the motion.

**G. Tax Leakage Study Approval:** At their meeting of May 13, 2014, the Council discussed the proposal from Lewis, Young, Robertson & Burningham for a tax leakage study which would explore the types of businesses that would be viable in Alpine. The Council asked staff to send out an RFP (request for proposals) to see what other groups would charge for a study. The only group that responded was Lewis, Young, Robertson & Burningham, who submitted another proposal more tailored to the RFP. Staff evaluated the second proposal and decided it didn't bring in additional value for the increased cost, and recommended the Council consider the original proposal.

**MOTION:** Will Jones moved to approve the original leakage study submitted by Lewis, Young, Robertson & Burningham. Roger Bennett seconded. Ayes: 3 Nays: 0. Roger Bennett, Will Jones, Lon Lott voted aye. Motion passed. Troy Stout was not present at the time of the motion.

**VI. STAFF REPORTS:** None

**VII. COUNCIL COMMUNICATION:** None

**VIII. EXECUTIVE SESSION**

**MOTION:** Will Jones moved to go to closed session to discuss litigation. Roger Bennett seconded. Ayes: 3 Nays: 0. Motion passed. Roger Bennett, Will Jones, Lon Lott voted aye.

The Council went into closed session at 8:43 pm.

The Council returned to open session at 10:30 pm.

**MOTION:** Will Jones moved to adjourn. Roger Bennett seconded. Ayes: 3 Nays: 0. Motion passed.

The meeting was adjourned at 10:35 pm.